

### **REMARKS**

Claim 17 has been rejected under 35 U.S.C. §112 asserting that “said burner pointing primarily more downwardly than horizontally to cause the flame to extend more downwardly than horizontally from the burner,” is new matter. Accordingly, this rejection has been obviated by deleting that above quoted phrase from claim 17.

Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi et al (JP 10-75704) in view of Opfel (US 2003/0192485).

Claim 17 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Salooja (GB 1,567,505) in view of Takeshi et al (JP 10-75704) and Opfel (US 2003/0192485).

Declarations are attached hereto swearing in back of Opfel (US 2003/0192485). Opfel (US 2003/0192485) was filed April 9, 2003 and Applicant conceived and reduced to practice his invention claimed in claims 17, 19 and 22 in March of 2003 as evidenced by the attached Declarations under 37 CFR §131. Applicant filed the instant patent application on October 17, 2003 of the same year of completion of his invention in March of 2003.

Accordingly since Opfel (US 2003/0192485) was used in all of the 35 U.S.C. §103(a) rejections on the merits, Applicant has obviated those rejections.

Accordingly, since it is clear that remaining claims 17, 19 and 22 are now clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,  
Ralph M. Pivonka

June 5, 2008

By: /Michael O. Sturm/  
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Reg. No. 26,078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. Pivonka

Ser. No. 10/687,854  
Group Art: 1744

Filed: October 17, 2003 Examiner: Elizabeth L. McKane

For: **MOBILE FLAME STERILIZER**

**DECLARATION under 37 CFR §131**

1. I, R. Mike Pivonka, a United States citizen, residing at 915 Maple Street, La Crosse, Kansas am the sole inventor of an invention entitled "MOBILE FLAME STERILIZER" filed as U.S. Patent application Ser. No. 10/687,854, filed October 17, 2003.
2. I am President of and owner of a controlling interest in Flame Engineering, Inc. of La Crosse Kansas.
3. I conceived the claimed invention in the year 2002 and caused a working prototype to be made and used in February and March of the year 2003, said working prototype having all of the elements of pending claim 19 of U.S. Patent application Ser. No. 10/687,854 24 in the form expressed in the Amendment being filed contemporaneously with this Declaration.
4. Said working prototype was constructed in the Research and Development building of Flame Engineering's headquarters in La Crosse, Kansas.
5. Said working prototype was tested on various surfaces simulating poultry house floors in March of 2003 using the methods of pending claims 17 and 24 of U.S. Patent application Ser. No. 10/687,854 24 in the form expressed in the Amendment being filed contemporaneously with this Declaration.
6. Attached is Exhibit A, dated March 18, 2003 that shows 3/16" stainless steel purchased and used to build my 2<sup>nd</sup> working prototype. This material (3/16" stainless steel is only used on the "Mobile Flame Sterilizer". The first working prototype was built using "hot rolled mild steel" that was bolted to the external frame work. This was done to accommodate the expansion and contraction of the "hot rolled mild steel" as it was heated.

76. Attached is Exhibit B, dated November 26, 2002 that was received as a fax from a tank manufacturer that was used to size mounting brackets and calculate weight for the first prototype. This document was in a 2002 "Mobile Flame Sterilizer" file.
8. I worked with Flame Engineering employees Stan Moore, Larry Romeiser, and Jim Mighell in February and March of 2003 to build my first working prototype of the invention claimed in the pending claims of the present invention.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
R. Mike Pivonka

Date 5-22-08



P.O. Box 577  
 WEST HIGHWAY 4  
 LACROSSE, KANSAS 67548  
 785-222-2873 • FAX: 785-222-3619

**Purchase Order 4330-A**

Order Date

03/18/03

**Vendor:**

SALINA STEEL SUPPLY  
 PO BOX 2897  
 SALINA, KS 67402-2897

**Ship To:**

Flame Engineering, Inc.  
 West Highway 4  
 LaCrosse, KS 67548

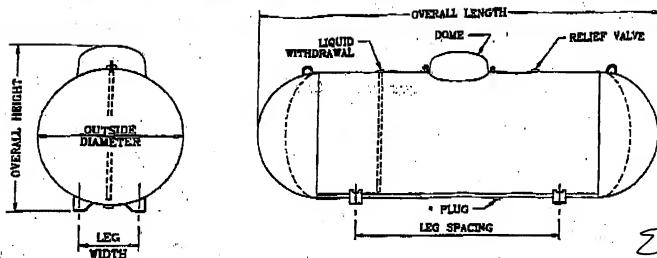
EX. A

**THIS IS A CLOSED PURCHASE ORDER**

Vendor	Vendor Fax Number	Vendor Telephone Number	Ship Via	F.O.B.	Terms	
302	785/822-1211	800/383-2138		Origin	1/2% 10 Days Net 30 Days	
Buyer	Confirming To		Remarks		Freight	Tax
	DANNY					N
Line	Qty. Ordered	Unit of Measure	Your Item Number	Our Item Number	Unit Price	Extended Price
	Qty. Received	Qty. Open	Item Description		Date Required	
2	40.000	SQ FT	3/16 SS SHEET	100-101-030	9.86125	0.00
	40.000		3/16" SS SHEET		03/18/03	
3	240.000	FT	1 X 1 X 16	100-106-004	0.34400	0.00
	240.000		1 x 1 16 Ga Square Tubing 24'		03/18/03	
4	160.000	FT	5/8 CR	100-111-007	0.37056	0.00
	160.000		5/8 CR Round 20'		03/19/03	
5	80.000	FT	3/8 X 4 1/2	100-103-041	1.13312	0.00
	80.000		3/8 X 4 1/2 FLAT IRON 20'		03/19/03	

NonTaxable Subtotal	0.00
Taxable Subtotal	0.00
Tax	0.00
Total Order	0.00

# LPG DOMESTIC TANKS



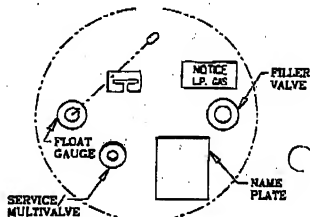
## General Specifications

conforms to the latest edition and addenda of the ASME Code for Pressure Vessels, Section VIII Division I. Complies with NFPA 58 and is listed by Underwriters Laboratories, Inc.

rated at 250 psig from -20°F to 125°F.

vacuum purged of air in accordance with the NFPA Safety Code #133-89 (a).

liquid withdrawal opening located under the dome on the low-voltage vessels ONLY.



## OPENING ARRANGEMENT

## BOVEGROUND VESSEL INFORMATION

vessel dimensions are approximate

WATER CAPACITY	OUTSIDE DIAMETER	HEAD TYPE	OVERALL LENGTH	OVERALL HEIGHT	LEG WIDTH	LEG SPACING	WEIGHT	QUANTITY IN FULL LOAD
120 wg. 454.2 L	24" 609.6 mm	Ellip	5'-5 7/8" 1671.6 mm	2'-8 1/4" 819.2 mm	10 1/8" 257.2 mm	3'-0" 914.4 mm	246 lbs. 111.1 kg	96
250 wg. 946.3 L	37.5" 800.1 mm	Hemi	7'-2 1/2" 2197.1 mm	3'-3 3/4" 1009.7 mm	12 3/4" 323.9 mm	3'-6" 1066.8 mm	472 lbs. 214.1 kg	63
320 wg. 211.2 L	37.5" 800.1 mm	Hemi	8'-11 3/4" 2736.9 mm	3'-3 3/4" 1009.7 mm	12 3/4" 323.9 mm	4'-1/4" 1225.6 mm	588 lbs. 266.7 kg	45
500 wg. 892.5 L	37.42" 960.5 mm	Hemi	9'-10" 2997.2 mm	3'-9 3/4" 1160.5 mm	15" 381.0 mm	5'-0" 1524.0 mm	871 lbs. 395.1 kg	30
000 wg- 785.0 L	40.96" 1040.4 mm	Hemi	15'-10 7/8" 4848.2 mm	4'-1 3/8" 1254.1 mm	16 1/4" 412.8 mm	9'-0" 2743.2 mm	1729 lbs. 784.3 kg	15
000 g- 570.0 L	46.614" 1189.9 mm	Ellip	23'-9 3/8" 7248.5 mm	4'-7 1/8" 1400.2 mm	21" 533.4 mm	20'-0" 6096 mm	3678 lbs. 1667 kg	8

air plug not available

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. Pivonka

Ser. No. 10/687,854  
Group Art: 1744

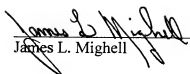
Filed: October 17, 2003

Examiner: Elizabeth L. McKane

For: **MOBILE FLAME STERILIZER**

**DECLARATION under 37 CFR §131**

1. I, James L. Mighell, a United States citizen, residing at 3339 187<sup>th</sup> St., Russell, Kansas have reviewed the patent application "MOBILE FLAME STERILIZER" filed as U.S. Patent application Ser. No. 10/687,854, filed October 17, 2003, including currently pending claims 17, 19 and 24 in the form expressed in the Amendment being filed contemporaneously with this Declaration.
2. I have been an employee of Flame Engineering, Inc. of La Crosse Kansas since Aug. 26th, 1991, my current position with Flame Engineering, Inc. being Special Market Director.
3. I worked with R. Mike Pivonka and Larry Romeiser in February and March of 2003 to build a working prototype of a mobile flame sterilizer having all of the elements of pending claim 19 of U.S. Patent application Ser. No. 10/687,854.
4. Said working prototype was constructed in the Research and Development building of Flame Engineering's headquarters in La Crosse, Kansas.
5. I was personally involved in managing said working prototype on various surfaces simulating poultry house floors in March of 2003 using the methods of pending claims 17 and 24 of U.S. Patent application Ser. No. 10/687,854.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
James L. Mighell

Date 5-22-08

**Attorney Docket No. 2-1271-013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. Pivonka

Ser. No. 10/687,854  
Group Art: 1744


Filed: October 17, 2003 Examiner: Elizabeth L. McKane

For: **MOBILE FLAME STERILIZER**

**DECLARATION under 37 CFR §131**

1. I, Larry R. Romeiser, a United States citizen, residing at 223 W. Ash, Bison, Kansas have reviewed the patent application "MOBILE FLAME STERILIZER" filed as U.S. Patent application Ser. No. 10/687,854, filed October 17, 2003, including currently pending claims 17, 19 and 24 in the form expressed in the Amendment being filed contemporaneously with this Declaration.
2. I have been an employee of Flame Engineering, Inc. of La Crosse Kansas since 9/27/1989, my current position with Flame Engineering, Inc. being the Shop Supervisor.
3. I worked with R. Mike Pivonka and James L. Mighell in February and March of 2003 to build a working prototype of a mobile flame sterilizer having all of the elements of pending claim 19 of U.S. Patent application Ser. No. 10/687,854. I was the person that ordered the 3/16" stainless steel on 3-18-03 for the prototype.
4. Said working prototype was constructed in the Research and Development building of Flame Engineering's headquarters in La Crosse, Kansas.
5. I was personally involved in building said working prototype on various surfaces simulating poultry house floors in March of 2003 using the methods of pending claims 17 and 24 of U.S. Patent application Ser. No. 10/687,854.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



  
Larry R. Romeliser

Date 5-22-08